

RECEIVED  
2007 AUG 24 A 9:50  
JACKSON, MISSISSIPPI  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF  
ALABAMA, EASTERN DIVISION**

**GENE COGGING PRO st**  
**1436 COUNTY ROAD #299**  
**LANATE, AL 36861**  
**Plaintiff**

**V;**

**CASE NO 3:07 -CV - 402**

**CITY OF JACKSON'S GAP**  
**JACKSON'S GAP, POLICE DEPARTMENT**  
**Defendants**

---

**GENE COGGING**

**V:**

**CASE NO. 3:07 - CV - 406**

**TALLAPOOSA COUNTY**  
**TALLAPOOSA COUNTY SHERIFF DEPT.**  
**Defendants**

---

**MOTION TO CLEAR RECORDS FOR  
ORIGINAL DEFENDANTS AND  
REVERSAL OF OPINIONS AND ORDERS**

---

COMES NOW, THE PLAINTIFF, GENE COGGING, IN THE ABOVE STYLED  
CASE WITH THIS MOTION TO CLEAR RECORDS AND REVERSAL OF OPINIONS AND  
ORDERS. THE ORIGINAL COMPLAINT I FILED IN THIS COURT, ON CASE 3:07 - CV -  
402, HAD ONLY THE CITY OF JACKSON'S GAP AND THE JACKSON'S GAP POLICE  
DEPARTMENT LISTED AS THE ONLY DEFENDANTS.

IN THE ORIGINAL CASE 3:07 - CV- 406, THE ONLY DEFENDANTS LISTED WERE, TALLAPOOSA COUNTY AND THE TALLAPOOSA COUNTY SHERIFF DEPARTMENT, THIS IS THE ONLY DEFENDANTS NAMED IN THESE CASES. SOME WHERE ALONG THE LINE THE TALLAPOOSA COUNTY DISTRICT ATTORNEY GOT PLACES IN AS A PART OF THIS CASE. THE JUDGE PLAYING THE ROLE OF DEFENDANTS ATTORNEY, ADDED THIS TO THIS CASE WITHOUT ANY COMPLAINT OR SUMMONS SERVED UPON HIM. IN DOCUMENT 24-1 AND 28-1, THIS IS ANOTHER ILLEGAL ATTEMPT TO DESTROY MY GUARANTEED DUE PROCESS OF LAW, AND MY CONSTITUTION RIGHTS AS GIVEN IN THE UNITED STATES CONSTITUTION..

WHEN A PREJUDICIAL ERROR OCCURS IN ANY COURT, THE PLAINTIFF HAS OBLIGATIONS, LEGAL RIGHTS, AND GROUNDS FOR A NEW TRIAL, OR REVERSAL OF JUDGMENT, WHICH MAY AFFECT OR PRESUMPTIVELY AFFECT ANY THREAT TO WHAT HAS BEEN TERMED AN ACCUSED SIGNIFICANT STAKE, PSYCHOLOGICAL, PHYSICAL, AND FINANCIAL, IN THE PROCESS WHICH MAY ULTIMATELY DEPRIVE HIM OF LIFE, LIBERTY, PROPERTY, OR PRECEPT OF HAPPINESS.. U.S. V: Dryer, C.A.N. J. 533, Fed. 2d, 112, 115. A PREJUDICIAL ERROR AFFECTS THE PLAINTIFF LEGAL RIGHTS AND OBLIGATIONS Erskine V: Upham 56, Cal. App, 2d, 235, 132, P. 2d, 219, 228. Trepanier V: Standard Min. & Mill Co. 58 Wyo. 29, 123, P. 2d, 378, 380. SUCH ACTIONS IN ANY CIVIL OR CRIMINAL CASE WOULD RESULT IN GROUNDS FOR A NEW TRIAL OR REVERSAL OF JUDGMENT. Fed. R. Civil P. 59.. A PREJUDICIAL ERROR IS ONE WHICH EFFECTS THE FINAL RESULTS OF THE TRIAL. State V: Gilerist 15 Was. App. 892 P. 2d, 690, 691. Sheppard V: Maxwell,

384 U. S. 333, 86, S. Ct. 1507, L. E. D. 2d, 600..

WHERE THERE HAS BEEN SO MANY ILLEGAL MOVES INVOLVED IN THESE CASES, THE PLAINTIFF REQUEST THAT THIS COURT REVERSE ANY AND ALL DECISIONS INVOLVED WITH THIS CASE AND GRANT THE DEFAULT AND DEFAULT JUDGMENT THAT WAS PROPERLY FILED AND BRING THESE CASES TO A CLOSURE.

WHEN ANY RULE OF LAW IS COVERED IN THE GUARANTEED DUE PROCESS AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES, COVERING THE RIGHT FOR EVERY CITIZEN TO BE HEARD AND HAVE THEIR DAY IN COURT, THIS CONCEPT OF "THE DUE PROCESS OF LAW", IS EMBODIED IN THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION. AND HAS PRESTIGE OVER OTHER RULES OR LAWS, THAT NO COURT OR JUDGE CAN CHANGE, BY USING **DENIED ON THESE GUARANTEED RIGHTS..** U. S. V: Smith D.C. Iowa, 249 APP.. Supp. 515, 516.

THE RIGHT TO BE HEARD, TO REVIEW THE ANSWER FROM THE OTHER PARTY, WITH BOTH PARTIES AWARE OF THE MATTER PENDING, AND TO ASSERT BEFORE THE APPROPRIATE DECISION MAKING BODY, THIS RIGHT HAS BEEN DESTROYED BY NOT ALLOWING OR REFUSING, THE COMPLAINT AND SUMMONS I HAD SERVED BY REGISTERED MAIL, CERTIFIED WITH RECEIPT RETURNED TO CLERK OFFICE, AS GIVEN IN FEDERAL RULE 3, 4, 5, ILLEGAL USING. RULE 28 U. S. C. s/s 1915 (e)(2) (B), TO DENY MY GUARANTEED CONSTITUTION RIGHT AND DUE PROCESS TO BE HEARD AND HAVE THEIR DAY IN COURT, TO BE HEARD BY

THE OTHER SIDE, DON'T EXIST WITH JUDGE FULLER, FOR HE PLAYS THE ROLL OF DEFENDANTS LAWYER AND JUDGE,. WHEN I HAD THEM SERVED BY CERTIFIED, REGISTERED MAIL, AND NEVER RECEIVED ANY ANSWER, THIS COURT HAS RECEIVED MANY MOTIONS FOR DEFAULT AND DEFAULT JUDGMENT I HAVE FILED IN ALL CASES IN THIS COURT AND THE CLERK REFUSED TO HONOR THE REQUIRED DEFAULT AND DEFAULT JUDGMENT AGAINST THE DEFENDANT. THIS PLACES ALL PARTIES GUILTY OF A FELONY, BY NOT ABIDING BY THEIR OATH OF OFFICE AND PERJURY. *Trinity Episcopal Corp. V: Romney* W. D. C. N. Y. 387 F. Supp. 10444, 1084..

UNDER THE DUE PROCESS OF LAW, THE ALLOWANCE OF AN APPEAL FROM ANY LOWER COURT IS A GUARANTEED CONSTITUTION RIGHT, THAT LEAVES NO COURT OR JUDGE ANY RIGHT TO INTERFERERS WITH OR DENY THIS PROCESS, WHEN A LOWER COURT FAILS TO, OR REFUSES TO DISSOLVE ALL ISSUES INVOLVED, IN DETERMINING THE RIGHTS AND LIABILITIES OF THE PARTIES INVOLVED, IS, **IMMEDIATELY APPEALABLE**, WITH NO ILLEGAL COST OR RESTRICTIONS ADDED ON. AGAIN IN THIS CASE THE COURT HAS REFUSED TO SETTLE ANY ISSUES INVOLVED IN THIS CASE.. *Budinich V: Becton Dickinson & Co.* 486 U.S. 196, 201, 108, S. Ct. 1717, 1772, 100 L. E. D. 2d, 178, (1988), *LaChance V: Duffy's Draft House, Inc.* 146 F. 3d, 832,837, (11<sup>th</sup> Cir. 1980) FED. R. Civil P. 56.. THIS RIGHT TO BE HEARD IN ANY COURT BY A JURY OF HIS PIERS, IN THE UNITED STATES IS GUARANTEED CONSTITUTIONAL RIGHT, THAT CANNOT BE DETERMINED WHO HAS THAT RIGHT, IS NOT MADE BY ANY COURT OR JUDGE..

WHERE A LOWER COURT REFUSES TO DISSOLVE ALL ISSUES INVOLVED IN THIS CASE, LIKE THE FAILURE TO PROPERLY HANDLE THE DEFAULT AND DEFAULT JUDGMENT THAT WAS FILED, WILL NEVER DISOLVE ANY ISSUES BETWEEN THE PARTIES. THE PREVAILING LAWS THAT GOVERNS THE SUMMONS ARE FOUND IN FEDERAL RULE OF CIVIL PROCEDURES 3, 4, 5,

THE RIGHT FOR EVERY CITIZEN TO APPEAR IN FORMA PAUPER IS ANY COURT IN THE UNITED STATES IS A GUARANTEED CONSTITUTION RIGHT AS FOUND IN FED R. APP. P. 28 - 39, 48, 59, U.S.C., WITH NO FEES, COST, OR GIVING SECURITY IN ANY FORM, THEREFORE ADDED ON. May V: Williams 17 Al 23 (1849). THIS GUARANTEED CONSTITUTIONAL RIGHT REMOVES THIS DECISION FROM THE COURTS, JUDGES, AND CLERKS, FOR THIS GIVEN LAW IS A PART OF THE DUE PROCESS THAT GOVERNS THIS ACTION. Fed. R. Crim. P. 23 - 33. . THEREFORE, THIS CANNOT BE USED AS A MEANS TO DENY ME MY RIGHT TO APPEAL THIS CASE, .IN A PRIOR ORDER, "APPELLANT SOUGHT TO CHALLENGE A DECISION OF AN ALABAMA STATE COURT, "THE ROCKER - FELDMAN DOCTRINE, PROVIDES THAT FEDERAL COURTS, OTHER THAN THE UNITED STATES SUPREME COURT, HAS NO AUTHORITY TO REVIEW THE FINAL JUDGMENT OF STATE COURTS,." Siegel V: LePore 234 F. 3d, 1163, 1172, (11<sup>th</sup> Cir. 2000) (en banc)

IF YOU WILL TAKE A MOMENT TO READ THE COMPLAINT, YOU MIGHT HAVE NOTICED THAT THIS CASE HAS NEVER BEEN FILED IN ANY STATE COURT, AND NOT ANY OF THIS EXCUSE APPLIED TO THIS CASE,. WHERE THE APPELLANT

FAILED TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED. AGAIN NOT BEING ABLE TO READ THE FIRST PAGE OF MY ORIGINAL COMPLAINT, IN LARGE BOLD LETTERS GIVES THIS CLAIM. USING THE RULE 28 U.S.C. s/s 1915 (e) (2) (b) (ii). THAT THIS CASE IS DENIED, BECAUSE THE APPEAL IS **FRIVOLOUS**.. SEE *Pace V: Evans*, 709, F. 2d, 1428, (11<sup>th</sup> Cir. 1983) WHERE ALL OF THIS RULE IS IMPROPER USED IN AN ILLEGAL MANNER AS AN EXCUSE TO HELP THE DEFENDANTS, THIS DOES NOT GIVE EVERY CITIZEN THE RIGHT TO BE HEARD, OR HAVE HIS DAY IN COURT AS GUARANTEED UNDER THE DUE PROCESS OF THE UNITED STATES CONSTITUTION.. FOUND AGAIN ON PAGE NO 01. FIRST PARAGRAPH. MY RIGHT TO THE GUARANTEED DUE PROCESS OF LAW IS NOT FRIVOLOUS, THESE CONSTITUTION RIGHTS APPLY TO EVERY CITIZEN IN THE UNITED STATES, EVEN ME. .

WHEN DEFAULT AND DEFAULT JUDGMENT WAS FILED IN ANY CASE, WHERE THE CLERK IS REQUIRED TO ENTER AGAINST THE DEFENDANTS, IS COVERED BY FEDERAL RULE 55. ALL OF THIS DENIAL AND NEVER ACTED UPON BY THE CLERK, MAKES THIS WRONGFUL ACT OF OMISSION EMBRACES THE DISHONESTY CARRIED OUT BY THE JUDGE AND CLERK. *Greco V: Kresge Co.* 277, N. Y. 26, 12, N. E 2d, 557, 562.. *Hilkert V: Canning* 58, Ariz. 290, 119, P. 2d, 233, 236..

**CAUSE OF ACTION:**

THE CONSTITUTION OF THE UNITED STATES, GUARANTEES THE DUE PROCESS OF LAW TO EVERY CITIZEN. WHEN THIS PROCESS IS NOT ALLOWED OR ANY PART OF THESE GUARANTEED RIGHTS ARE NOT ABIDED BY, THIS

QUESTIONABLE RIGHT HAS TO BE SETTLED IN THE FEDERAL COURT SYSTEM, AS GIVEN IN THE FEDERAL RULES OF CIVIL PROCEDURES, 3, 4, 5, THE 5<sup>th</sup>. And 14<sup>th</sup> AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

1. THE FEDERAL ACT OF 1974, SET OUT AND ESTABLISHED TIME LIMITS ON ALL EVENTS CARRIED OUT IN THE JURIDICAL SYSTEM AS SO PLACED ON THE SHORT TERM CALENDER, SO AS TO ASSURE A SPEEDY TRIAL. THE 7<sup>th</sup> AMENDMENT. OF THE UNITED STATES CONSTITUTION REQUIRES A TRIAL BY AN IMPARTIAL JURY, EITHER **CIVIL OR CRIMINAL ON ALL ISSUES** BETWEEN THE PARTIES, WEATHER THEY BE ISSUES OF LAW OR FACTS WITH NO RESTRAINTS OR ILLEGAL COST ADDED ON.

2. A SPEEDY TRIAL IS NOT CONFINED TO MERELY AN IMPAIRMENT, BUT INCLUDES ANY THREAT TO WHAT HAS BEEN TERMED AS ACCUSED'S SIGNIFICANT STAKES, PSYCHOLOGICAL, PHYSICAL, FINANCIAL, IN THE COURSE OF A PROCEEDING , WHICH MAY ULTIMATELY DEPRIVE HIM OF PROPERTY, LIFE, LIBERTY, OR PRESUIT OF HAPPINESS. U. S. V: Dryer C. S. N.J. 533, F. 2d, 112, 115.. DENYING ME THIS RIGHT TO A SPEEDY TRIAL IS ANOTHER ILLEGAL PROCESS THAT DESTROYS MY GUARANTEED DUE PROCESS OF LAW AS GIVEN IN THE UNITED STATES CONSTITUTION..

3. THE RIGHT FOR A TRIAL BY JURY, IS GUARANTEED BY THE 6<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION, THAT REQUIRES A TRIAL BY AN IMPARTIAL JURY ON EITHER CIVIL OR CRIMINAL CASES ON ALL ISSUES BETWEEN THE PARTIES. ..

4. WHERE AN ILLEGAL COST PLACED UPON ANY COURT ACTION IS COVERED IN FEDERAL RULE APP. P. 28 - 39, U. S. C. May V: Williams 17 Al 23, (1849).. ANY PARTY HAS THE GUARANTEED RIGHT TO APPEAR IN ANY COURT WITHOUT ANY PREPAYMENT OF FEES, COST, OR GIVING ANY FORM OF SECURITY THERE - OF..

5. ANY MOTION FILED WITH THIS COURT TO AVOID THE PLEA AS GIVEN IN THE COMPLAINT OR FAILS TO STATE IN SHORT AND PLAIN TERMS IS USELESS AND CONSIDERED AN INSUFFICIENT ANSWER.. Wright V: Miller Fed. R. Civ. P, s/s 1196, OTHER ILLEGAL ATTEMPT TO COLLECT FEES. Petti V: Penn, La. App. 180, So. 2d, 66, 69..AND THE CONCEPT OF DUE PROCESS AS FOUND IN THE 5<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION..

6. UNDER THE ABOVE FEDERAL RULES, AND GUARANTEED DUE PROCESS OF LAW THE, WHERE AT THE BEGINNING OF ANY ACTION THE COMPLAINT AND SUMMONS MUST BE FILED WITH THE CLERK OF THAT COURT AND DATE GIVEN FOR THE ANSWER TO BE RECEIVED OR THE DEFENDANT HAS TO BARE THE FOREGOING RESULTS AS ASKED FOR IN THE COMPLAINT. IF THE ANSWER IS NOT RECEIVED AT THAT TIME AS ALLOWED ON THE SUMMONS, DEFAULT AND DEFAULT JUDGMENT MUST BE FILED AGAINST THEM. THE DEFENDANTS WERE PROPERLY SERVED BY CERTIFIED U.S. MAIL WITH RECEIPT RETURNED BACK TO THE CLERK OFFICE. THIS IS A ONE OR THE PROPER METHODS OF SERVICE AS REQUIRED UNDER THE FEDERAL RULES OF CIVIL PROCEDURES.

7. ANOTHER ERROR MADE BY THE COURT THAT PLACES THIS ATTEMPTED ILLEGAL FORM OF STALLING, CLAIMING IMPROPER SERVICE, AND

ALL COST OF REQUIRES JUDGMENT, AS FOUND IN THE ORIGINAL COMPLAINT SHOULD BE PLACED DIRECTLY AGAINST THIS COURT. I FOLLOWED THE DUE PROCESS OF LAW, AND THE RULES OF CIVIL PROCEEDINGS, BY FILING DEFAULT AND DEFAULT JUDGMENT ACCORDINGLY THE PROCESS THAT LEAD UP THE FILLING OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DEFENDANTS WAS SET UP UNDER THE DUE PROCESS OF LAW AS ESTABLISHED IN THE GUARANTEED RIGHTS OF THE UNITED STATES CONSTITUTION, THAT GIVES NO COURT OR JUDGE THE RIGHT TO DENY, PLACE ANY RESTRICTIONS OF ANY FORM, OR USING ANY LAW IMPROPER OR ILLEGAL TO OBTAIN THEIR GOALS. THEIR OATH OF OFFICE REQUIRES THEM TO ABIDE BY THE LAWS AND AMENDMENTS AS GIVEN IN THE UNITED STATES CONSTITUTION, OR THEY HAVE COMMITTED A FELONY AND PERJURY. FROM THE PAPER TRAIL LEFT AT THIS COURT MAKES ALL THAT HAVE HAD ANY PART IN MY CASES, GUILTY OF THE ABOVE AND DESERVE THE SAME PUNISHMENT AS OTHER CRIMINALS.

8. THIS DEMAND FOR DEFAULT AND DEFAULT JUDGMENT MUST BE GRANTED, FOR ALL RULES WERE FOLLOWED AND ANY MANIFESTED ERRORS WERE ESTABLISHED INJUSTICE ON THE PART OF THIS COURT. IF EVERYONE INVOLVED IS INCAPABLE OF ABIDING BY THE GUARANTEED RULES OF DUE PROCESS OF THE UNITED STATES CONSTITUTION, THEN TURN THEMSELF IN TO THE PROPER AUTHORITIES, PLEADING GUILTY OF BREAKING THE OATH OF OFFICE AND PERJURY.

9. THIS FREEDOM OF SELECTING PROPER COURT AND JUDGES, IS A PART OF

NATURAL LIBERTIES SWORN TO OF EXCESS WHICH INVADES EQUAL RIGHTS TO OTHERS, THEY ARE RESTRAINTS PLACED UPON THE GOVERNMENT.. I HAVE CHOSEN TO USE ONLY A U.S. DISTRICT JUDGE ONLY.. Sowers v: Ohio Civil Rights Commission, 20 Ohio Misc. 115, 252 N. E. 2d, 463, 476..

10. THE OATH OF OFFICE BINDS THAT PARTY WHEN THEY ASSUME , OR CHARGED OF THAT OFFICE, HEREBY DECLARING THAT THEY WILL **FAITHFULLY** AND **TRUTHFULLY** DISCHARGE THE DUTIES OF THAT OFFICE AND UP - HOLD ALL THE LAWS EQUALLY, AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES OF AMERICA .AND STATUTES THAT MAY APPLY TO THAT PARTICULAR CASE. Art. VI, U.S. CONSTITUTION, THAT THIS ATTESTATION, OR PROMISE IS MADE UNDER A IMMEDIATE SENSE OF RESPONSIBILITY TO **GOD**, WHERE ONE WILLFULLY ASSERTING UNTRUE STATEMENTS ARE PUNISHABLE FOR PERJURY AND ARE ALSO GUILTY OF A FELONY BY BREAKING THE OATH OF OFFICE..

ART. II Sec. I U. S. Const. Vaughn V: State 146, Tex.Cr. R. 585, 177, S.W. 2d, 59, 60..

**CONCLUSION:**

THEREFORE, THIS MOTION FOR TO CLEAR RECORDS FOR ORIGINAL DEFENDANTS, AND REVERSAL OF ALL OPINIONS AND ORDERS., THAT HAS IDENTIFY THE MANIFESTED INJUSTICE BROUGHT ON BY THIS COURT, MUST BE CORRECTED BY HONORING THIS REQUEST FOR REVERSAL, ON ALL DECISIONS AND HONORING THE DEFAULT AND DEFAULT JUDGMENT AS ORIGINAL FILLED., WHEN AN ENTRY FOR FINAL JUDGMENT IS USED BEFORE ANY ANSWER IS RECEIVED FROM THE DEFENDANT, THIS ONLY CREATES AND PROVES

THE DISHONESTY OF THE ONES INVOLVED IN NOT ALLOWING THE DUE PROCESS OF LAW AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES, WITH ORDERS FOR THE CLERK TO SERVE THE DEFAULT AND DEFAULT JUDGMENT AGAINST THE PARTY INVOLVED IN THIS CASE, (AS GIVEN IN THE 11<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION), THAT GIVES ANY CITIZEN OF THIS STATE THE RIGHT TO SUE AND BE SUED, OVERRIDING ANY OTHER STATE OR FEDERAL LAWS THAT MAY EXIST)..FOR THE UNITED STATES CONSTITUTION IS THE PREVAILING LAW. WITH ALL OF THESE ESTABLISHED LAWS IN THE GUARANTEED DUE PROCESS OF THE UNITED STATES CONSTITUTION, THERE IS NO GROUNDS FOR ANY OTHER HEARING, ARGUMENTS, OR ANY POINT THAT IS NOT COVERED UNDER THE DUE PROCESS OF LAW AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES.

THERE HAS BEEN MANY ORDERS AND RECOMMENDATIONS, GIVING DIFFERENT LAWS AND IMPROPER PROCEDURES, TO AVOID PROPER HANDLING OF EVERY CASE PRESENTED TO THIS COURT, NO WHERE IN ANY LEGAL RESEARCH, HAVE I FOUND ANY FORM OF LEGAL GROUNDS FOR THE CLERK OR CLERK'S OFFICE HAS NO AUTHORITY TO ISSUE ANY ORDERS, DISMISSALS, OR ANY REPLY INVOLVING ANY CASE FILED IN ANY COURT.

ANY ACTION FILED IN COURT IS NOT MERELY TO COMMENCE OF, BUT MUST FOLLOW IT TO AN ULTIMATE CONCLUSION, BEFORE A COMPETENT (IF ONE CAN BE FOUND), TRIBUNAL FOR THE PURPOSE OF DETERMINING THE GUILTY OR INNOCENCE OF THE PERSON THAT IS CHARGED WITH THE CRIME. U.

S. V: Reisinger 128 U. S. 396, 9 S. Ct. 99, 32, L. E.D. 480.. THIS TERM IS USED IN RESPECTING CIVIL LITIGATIONS AND MUST INCLUDE EVERY STEP OF THE ACTION FROM COMMENCEMENT TO IT'S FINAL DECISION. Brazil C. C. A. III 134, F. 2D, 929, 930 THE TERM OF NON-PAYMENT IS AN ILLEGAL METHOD USED IN DENYING A PROCESS OF LAW, WHERE THE UNITED STATES CONSTITUTION GUARANTEES EVERY CITIZEN THE RIGHT TO APPEAR IN FORMA PAUPERIS, CANNOT BE DETERMINED BY ANY COURT, JUDGE, OR CLERK..

LIKE MANY TIMES BEFORE THIS COURT HAS IMPROPERLY AND ILLEGALLY USED RULE 28 U. S. C. s/s 1915 (a)(3), AS NOT TAKEN IN GOOD FAITH, Coppedge V: U. S. 396 F. 2d 924, 925, (11th Cir. 1991), APPEAL IS FRIVOLOUS, WHERE AGAIN PRE-JUDGING THIS CASE AS "CHANCES OF ULTIMATE SUCCESS ARE SLIGHT." THEN ORDERED THE PLAINTIFFS MOTION DENIED, THIS WOULD SEEN TO JAR A NUT SOMEWHERE THAT ALL OF THIS ORDER AND OTHER ILLEGAL STRAWS ARE IN DIRECT CONFLICT OF THE GUARANTEED RIGHTS OF THE DUE PROCESS OF LAW. AS GIVEN IN THE UNITED STATES CONSTITUTION THAT GIVES EVERY CITIZEN THE RIGHT TO BE HEARD AND HAVE THEIR DAY IN COURT,(EXCEPT ME), EVERY CITIZEN HAS THE RIGHT TO APPEAR IN FORMA PAUPERIS, AND EVERY CASE IS IMMEDIATELY APPEALABLE, UNTIL ALL ISSUES ARE DISSOLVED, THESE BASIC GUARANTEED RIGHTS HAVE ALL BEEN DENIED, NOT ALLOWING ANY PART OF EQUAL JUSTICE TO ALL MEN, OR ANY GUARANTEED PART OF THE DUE PROCESS OF LAW, THE ONLY WAY TO SETTLE THIS CASE LEGALLY, IS TO

HONOR THE DEFAULT AND DEFAULT JUDGMENT THAT WAS PROPERLY ENTERED. THIS PLAYING THE ROLL OF JUDGE AND DEFENDANTS ATTORNEY, TRYING TO PROTECT THE OLD BUDDY SYSTEM OF JUSTICE IS NOT A HONEST APPROACH IN SETTling ALL ISSUES INVOLVED IN THIS CASE

THE FIRST PAGE OF THIS MOTION IDENTIFIES THE CORRECT DEFENDANTS AS GIVE IN MY ORIGINAL COMPLAINTS.. THERE HAS NEVER BEEN ANY COMPLAINT OR SUMMONS SENT OR INVOLVING THE TALLAPOOSA COUNTY DISTRICT ATTORNEY OFFICE, WHY YOU KEEP TRYING TO ADD THEM TO THIS CASE, CREATES ANOTHER ILLEGAL MOVE ON YOUR PART. THE CASES NO 402 WAS GIVEN TO THE CITY OF JACKSON'S GAP, AND THE JACKSON'S GAP POLICE DEPARTMENT. THE CASE NO 406 WAS ASSIGNED TO TALAPOOSA COUNTY AND THE TALLAPOOSA COUNTY SHERIFF DEPARTMENT, NO WHERE IN ANY PART OF MY .PAPER WORK HAVE I REQUESTED FOR THESE CASES TO BE COMBINED AS ONE. THEY ARE TWO DIFFERENT CASES, WITH THE SAME CAUSE OF ACTION, DENYING MY GUARANTEED CONSTITUTION RIGHTS. DOCUMENT 24 - 1 AND 28 - 1 . ARE BOTH ILLEGAL ORDERS ISSUED BY JUDGE MARK FULLER, HE CANNOT LEGAL TAKE ANY PART IN ANY CASE I AM INVOLVED WITH IN THIS COURT, FOR HE IS A DEFENDANT INVOLVED WITH A CASE I HAVE FILED AGAINST HIM.. .

IN DOCUMENT 14 -1, ORDER, STATES THAT MY MOTION FOR FINAL ORDER (DOC #13), IS DENIED, AND MOTION FOR FINAL JUDGMENT (DOC. # 8), WAS ENTERED JANUARY 16, 2007. UNDER BLACKS LAW DICTIONARY, THE TERMS DECISION AND FINAL JUDGMENT ARE COMMONLY USED INTERCHANGEABLY, IS

ALSO USED TO DENOTE THE REASON FOR WHICH THE COURT GIVES FOR IT'S DECISION. BUT THIS IS MORE PROPERLY DENOMINATED AS AN , **OPINION**. FED. RULE 54(a), .THEREFORE AN OPINION IS NOT A LEGAL FINAL ORDER AND THE CASE 1112, AGAINST THE STATE OF ALABAMA, ALABAMA DEPARTMENT OF REVENUE , AND CHAMBERS COUNTY, IS STILL AN ACTIVE CASE BY LAW, IN THE UNITED STATES DISTRICT COURT. THIS PLACES ALL OF THE ABOVE DEFENDANTS IN THIS CASE IN DEFAULT AND DEFAULT JUDGMENT, AND THIS MUST BE SETTLED AS REQUIRED IN THE DUE PROCESS OF LAW, AS GIVEN IN THE UNITED STATES CONSTITUTION. THIS MAKES ANOTHER ILLEGAL PROCEDURE YOU HAVE USED IN DENYING MY GUARANTEED CONSTITUTION RIGHTS. WITH EVERY FINAL JUDGMENT YOU HAVE ISSUED IS ONLY AN OPINION, ALL CASE I HAVE IN THIS COURT REST ON DEFAULT AND DEFAULT JUDGMENT.

  
GENE COGGING

## CERTIFICATE OF SERVICE

1, GENE COGGINS, DO HEREBY DECLARE UNDER THE PENALTY OF PERJURY, THAT I HAVE PLACED UPON THIS DAY A COPY OF THE COMPLAINT AND SUMMONS IN THE U.S. MAIL, SENT CERTIFIED WITH RETURN RECEIPT, TO OFFICE OF THE CLERK, WITH PROPER POSTAGE, AND TO THE LAST KNOWN ADDRESS OF THE DEFENDANT.

  
\_\_\_\_\_  
GENE COGGINS Pro se

DATE AUGUST 22, 2007